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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0028
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 6898
RUEHLM/AMEMBASSY COLOMBO PRIORITY 7216
RUEHKA/AMEMBASSY DHAKA PRIORITY 2538
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5260
RUEHLO/AMEMBASSY LONDON PRIORITY 6410
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2964
RUEHSA/AMEMBASSY PRETORIA PRIORITY 0244
RUEHCI/AMCONSUL KOLKATA PRIORITY 4552
RUEHGV/USMISSION GENEVA PRIORITY 2279
RUEKJCS/SECDEF WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3471
RHEFDIA/DIA WASHDC PRIORITY
RHMFIUU/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 KATHMANDU 000296

SIPDIS

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TAGS: PREL PGOV PHUM ASEC AMGT NP

SUBJECT: NEPAL: ACCIDENT VICTIM SEEKING COMPENSATION FROM
EMBASSY EMPLOYEE

REF: SIMAS REPORT KATHMANDU 02442-2009 (166474) (NOTAL)

Summary

¶1. (SBU) On the evening of March 9, 2009 Jennifer Kerr, the Political/Economic Section Office Management Specialist, was involved in a vehicular accident with a motorcyclist. Although initially media did not cover the accident, once they began to cover the story on March 24 they have presented very sensationalized and inaccurate stories. Embassy officials have met with the Ministry of Foreign Affairs and a local human rights organization regarding the accident. Post will continue to work with the Ministry and is discussing next steps.

Accident Details

¶2. (SBU) On the evening of March 9, 2009 Jennifer Kerr, the Political/Economic Section Office Management Specialist (OMS), was involved in a vehicular accident with a motorcyclist. The investigation is ongoing; however, all indications are that the accident was clearly the fault of the motorcyclist. The motorcyclist, Sunny Nakarmi, had attempted to evade a police roadblock, crashed, and slid into the OMS' private vehicle traveling in the opposite direction.

The motorcyclist was brought to the hospital by ambulance. The OMS immediately contacted Post One and the Assistant Regional Security Officer (ARSO). The OMS remained at the scene and cooperated fully with the police, assisted by the ARSO, Locally Employed Staff Investigators (LESI), and local guard force. The OMS was not injured; however, the motorcyclist was severely injured and remains in intensive care in the hospital.

Press Reporting

¶3. (SBU) Initially the accident received no press coverage. Avenues Television presented the first story, a very sensationalized expose, over two weeks later. The following week both the English language and vernacular press began to cover the story. In reaction to the false and misleading information contained in the media, the embassy issued a press release April 1. Although some subsequent stories

refer to the press release, major inaccuracies remain. Both television and print media widely covered the April 9 protest at which approximately 150 relatives and friends of the motorcyclist delivered a memorandum to the Chairman of the Constituent Assembly. The group also marched carrying placards with photographs of the motorcyclist in the hospital, the embassy employee (Traffic Police had released her driver's license photograph, license number, and license plate number to the media), and phrases such as 'punish the guilty', 'take action against the embassy employee' and 'provide compensation to the victim.'

Subsequent Meetings

¶4. (SBU) On April 8 Deputy Political/Economic Chief, ARSO, and Senior LESI met with two Ministry of Foreign Affairs (MFA) officials (Ambika Luitel, Under Secretary, Europe and Americas Division, and Deepak Adhikary, Deputy Chief of Protocol). Emboffs explained how the accident had occurred, and corrected some misinformation contained in press reports and in the family's letter to the MFA requesting compensation. MFA officials appreciated the embassy's outreach and requested assistance in obtaining the necessary reports from the Nepal Traffic Police. MFA officials appeared sympathetic to the family's request for compensation and reiterated that by local custom, though not law, the driver of the larger vehicle pays compensation to the smaller vehicle regardless of fault.

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¶5. (SBU) On April 10, Information Officer and Deputy Political/Economic Chief met with Sudip Pathak, Chairman of Human Rights Organization of Nepal (HURON), regarding the accident. Emboffs related what had occurred the night of the accident and subsequently. Pathak informed Emboffs that a large group, primarily Nakarmi's relatives and other students from the college he attends, had shown up at HURON's office on April 8. He stated he had requested the meeting to find out the facts of the case and to offer to mediate between the family and the embassy. He indicated the family was requesting the driver, or embassy, pay all Nakarmi's medical bills (currently estimated as at least 600,000 Nepali rupees, or approximately \$7500) on humanitarian grounds even if Kerr was not at fault.

Next Steps

¶6. (SBU) The ARSO has increased the local guard force presence at Kerr's residence. The diplomatic license plate on her vehicle has been changed. Post will continue to work with the MFA. Core country team reviewed the situation as of April 10, and discussed possible next steps. The core country team will review these options on April 13.

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